MY

US DISTRICT COURT
NORTHERN ILLINOIS
EASTERN DIVISION

FILED
FEB 25 2013
Feb 25 2013 aew
THOMAS G BRUTON
CLERK, U S DISTRICT COURT

USA
plaintiff/respondent

v.

Michael R Villagran
defendant/petitioner

Case No. 12CR94
Judge Norgle

Verified, must be taken as true.

PETITIONERS OFFER OF PROOF TO 5TH AND 6TH AMENDMENT VIOLATIONS

Petitioner neither waives rights to counsel nor waives rights to defend himself as required by the 6th Amendment. Petitioner hereby submits this "offer of proof" related to 5th & 6th Amendment violations. Petitioner has a right due process and to counsel according to the 5th and 6th Amendment of the Constitution. The right to counsel includes the right to "competent" lawful counsel. See Strickland v. Washington, 466 US 668 (1984).

In order to determine if counsel representing Petitioner is competent, Petitioner presented counsel with a questionnaire mailed in 1/2013, to determine counsels level of competence.

Counsel Refuse To Answer The Questionnaire.

A presumption now exists that counsel is incompetent as a matter of law and that counsel cannot effectively represent Petitioner. Therefore, Petitioner files this offer of proof to establish 6th Amendment violations.

The Court Cannot Refuse an Offer of Proof.

Petitioner submits an offer of proof via attached unrebuttable, unrebutted affidavit [see US v. Kis, (7th Cir. 1981) "Indeed, no more than that (affidavits) is needed to make the prima facie case..."] of Petitioner which proves that counsel is incompetent according to the 6th Amendment by refusing to answer the questions presented. Petitioner attaches questionnaire as "Exhibit Q" and his affidavit as "Appendix A". This motion is verified.

This court cannot refuse Petitioner's offer of proof: "Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly, although we intimate no view on the merits of petitioners allegations, we conclude that he is entitled to an opportunity to offer proof". Haines v. Kerner, 404 US 519, 522.

This offer of proof establishes as a matter of law that counsel is in violation of Petitioner's 6th Amendment Right and that no court of competent jurisdiction can properly rule on Petitioner's case since counsel has blatantly proven to be ineffective as a matter of law.

respectfully,

"without prejudice" (seal)

Michael Raymond Villagran date: 2-13-2013 AD
Michael R Villagran - In Propia Persona

VERIFICATION

I certify pursuant to 28 USC § 1746 that the statements made herein are true, correct and complete under the penalty of perjury.

"without prejudice"

Michael Raymond Villagran date: 2-13-2013 AD
Michael R Villagran - In Propia Persona

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_, MCC Chicago
71 W Van Buren
Chicago, Il 60605

January 14th, 2013

Counsel

RE: U.S. v. MICHAEL R. VILLAGRAN

Dear Counsel, RALPH JOSEPH SCHINDLER JUNIOR

I hope this letter finds you well and rested after the holidays. I appreciate your involvement in my case. However, in order to insure that all my 6th Amendment Rights are properly protected, I am requesting that you answer questions in writing in order that I fully understand that I am receiving the best protection possible related to my freedom, according to my rights under the 6th Amendment to the Constitution. Also, I want to insure that you comply with all standards of professional conduct as required by ABA and State Bar Standards.

I am the person who could spend time in prison and I can't afford to take anything for granted that happens in my case, including any representations made by any party, either yourself, the AUSA or the judge for that matter. Following are a list of questions and requests for their answer. Please answer each one fully and completely and properly and return your answers within the next 48hrs.

Please understand I'm not willing to wait to file a 2255 in order to prove you're incompetent. If I'm going to show the court that you are incompetent, then I intend to prove it now, not 3-4yrs from now. I also intend to file a copy of your answers with the court to certify my evidence in an "offer of proof." All questions are related to your competency to represent me.

1. Will you certify before the court that you will uphold my Constitutional rights?
2. What is my remedy in this case?
3. Do you have an 'errors and omissions' policy? If so, provide me a copy of the policy, certified as true and correct with all contact info for the carrier.
4. Does the state bar in this state have an insurance policy which covers clients of attorneys for malfeasance. If so, please provide me a copy of the policy.
5. Is your priority of responsibilities as an attorney to represent me first? Or the court, then public interest, then me?
6. What does BAR mean?
7. Have you registered with the court we are in? If so, provide me a copy of the documents submitted by you to register with said court and the admission top protect before this court.
8. Are you current on your fees to the State? If so, provide me a certified copy of your last payment.
9. What other courts are you registered in? Please provide me a copy of all info submitted by you to register in those courts as well as the acknowledgment that you are registered.
10. Are you registered in the Court of Appeals for this district? If so, provide me a copy of all documents submitted by you to register in said court as well as a certified copy of your authorization to practice in that court.
11. Please provide a certified copy of your current bar card.
12. Please provide a certified copy of your resume and the resume of any other person

that's working on my case, within the last 2 months. These must be signed by a notary under the penalty of perjury.

13. How many cases have you represented in federal criminal law in the last 3 yrs? What is the style of each case and the case number?
14. Of those cases, how many have you won?
15. Of those cases, how many have you plea bargained?
16. Of those cases, how many have you taken to trial?
17. What is your expertise in the charges against me?
18. How many cases like mine have you handled in the last 3 yrs?
19. How many of those cases have you won?
20. How many of those cases have you plea bargained?
21. Have you obtained discovery in this case?
22. Of the discovery, was all that info given to you by the government or did you do your own investigation?
23. Have you conducted your own investigation in this case to check the veracity of the government's fiction and hearsay? If so, explain the procedures used by you to conduct said investigation.
24. Have you provided me all documents submitted by the government in this case, including any emails, faxes, and phone records related to my case?
25. Have you filed FOIA requests to identify agencies that hold records related to me in any agency of the government?
26. Have you investigated other agencies of the government to obtain records on me? Typically, the average person has records in 20-25 agencies. How many of those agencies have you investigated?
27. Have you investigated the backgrounds of the prosecutor and judge to see if they have violated any laws previously, have any complaints filed against them, and if they are bonded? If they are bonded, have you obtained copies of their bons and provided them to me?
29. Have you investigated the agents listed in this case to see if they have any complaints against them, and if they are using the name on their birth certificate or marriage license as their real name, or if they are using a fictitious name?
30. How many witnesses have you interviewed? What was the topic of the interview? Please provide me a copy of all interview notes for each witness.
31. Have you checked with the Court clerks office to determine who holds the grand jury records in this district for this case?
32. If the grand jury records are held by the prosecutors office, have you moved for dismissal of the case based on U.S. v Williams(1992)?
33. Have you checked to see if the grand jury indictment was filed in "open court"? If the grand jury indictment was not filed in open court, have you moved for dismissal of the case for violations of FRCP6?
34. Have you received a certified copy of the order that is supposed to be produced authorizing a grand jury indictment?
35. Have you checked to see if the grand jury had a quorum in place when they voted to indict? If no evidence of a quorum exists, have you moved to have the case dismissed for lack of evidence of a quorum?
36. Have you checked to see if there is a "wet-ink" signature of the grand jury foreman on the original indictment as required per FRCP6? If there's no original signature, have you moved for dismissal of the case for further violations of FRCP6?
37. Are the discovery documents you have received Bates stamped to insure that the government cannot "shuffle the deck"?
38. Are there any informants in this case? If so, who are they, and what is their role for the government? Have any informants been paid?
39. Are there any classified records in this case? How do you know?
40. What is your hourly rate?

41. Do you keep logs on your time spent on my case as is required to prove the amount of time invested in this case?
42. If grand jury records exist related to testimony, have you personally interviewed those witnesses to insure that the records are truthful and the witnesses were not coerced or influenced in anyway regarding their documents and testimony?
43. Have you determined if Mens Rea exists in this case?
44. Have you investigated all facts in this case?
45. Have you obtained all Jencks material?
46. Have you interviewed any witnesses in the case as required by ABA rules and regs?
47. Have you taken the charges against me and broken them down into their elements and analyzed each element to determine if the government can prove each and every element of each charge?
48. Have you determined if the charges in the indictment are multiplicious or duplicitous?
49. Have you independently determined that Public Law 80-772 and 18 USC § 3231 are valid under the Quorum Clause and Presentment Clause of the Constitution? If so, explain how you made your legal determination in detail.
50. Have you during these proceedings, upheld the sworn oath you took when you became an attorney with the State?
51. Have you hired a private investigator?
52. Have you hired an expert witness?
53. Have you asked for a chain of Discovery from the government?
54. Have you determined that I cannot be declared a terrorist under the NDAA act of 2012 signed on 12/31/11 by President Obama if I am found guilty?
55. Have you determined if there is a Real Party of Interest ("RPOI") in this case as required per FRCP17?
56. Have you analyzed the recent duly registered liens/foreclosures/SECURED PARTY CREDITOR filings made in the UCC commerce registry as of 10/24/12, 12/25/12 and their official worldwide public announcement for disclosure made on 12/28/12, therein proving the government (and the court) are violating the laws of "slander of credit" thereby committing federal securities fraud via "knowing and voluntary" illegal usage of the "security title" for the stramineus homo estate hence rendering this case null and void ab initio for fraud?

I am requesting that you provide me copies of all communications, including cell phone calls and texts related to my case. I am requesting that you continually update me related to any communication from the government.

I'd appreciate you responding to these requests within the next 48 hrs. After you respond, I will submit an 'offer of proof' to the court with a copy of your response or refusal. I will accept your silence as tacit admission of 6th Amendment violations.

respectfully,

'without prejudice'

Michael Raymond Villagran date: 1-14-2013 AD

Michael R. Villagran - In Propia Persona